

FILING COMPLETION UNDER RULE 53(f)

For Design, Provisional, or Utility Applications

PATENT
APPLICATION

**COMPLETION Under
Rule 53(f)**

Attn: Application Division

Atty.Dkt.	<u>PMS</u>	<u>234838</u>	<u>C1252/CIP</u>
		<u>M#</u>	<u>Client Ref</u>
(Our Deposit Account No. 03-3975)			
(Our order No.		<u>41060</u>	<u>234838</u>
		<u>C#</u>	<u>M#</u>

Date: November 23, 1998

Hon. Commisioner of Patents and Trademarks
Washington,DC 20231

Sir:

The following **completes the filing** under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☐ copy attached ☒ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☒ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.

- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3. ☐ Specification originally filed in non-English language; hence verified translation attached of:

- a. ☐ Abstract

- b.

#

 pages of Specification(only spec. & claims)

12/01/1998 ASELMAN 00000037 033975 08082498

01 FC:205 65.60 69

02 FC:201 15.00 CH 380.00 DP

4. ☐ Letter filing formal drawing attached.

5. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 08/627,588	April 1, 1996	(2) 08/316,341	Sept. 30, 1994
(3)		(4)	
(5)		(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. _____ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ / _____ filed on _____

10. ☐ Attached: _____ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.

11. ☐ Attached:

12. ☐ Preliminary Amendment



RECEIVED

DEC 10 1998

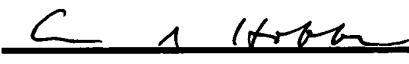
GROUP 1A

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Code		
13. Basic Filing Fee				Design Application Not Design Application	\$310/\$155 \$760/\$380	106/26 101/201		
14. Total Effective Claims				4	minus 20 = 0	x \$18/\$9	+0	103/203
15. Independent Claims				1	minus 3 = 0	x \$78/\$39	+0	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)						\$260/\$130	+0	104/204
17. Surcharge for filing Declaration/filing fee late						\$130/\$65	+65	105/205
18.				FILING FEE ENCLOSED =			\$445	
19. Original due date:				DECEMBER 6, 1998				
20. Petition is hereby made to extend the <u>original</u> due date to				(1 mo)	\$110/\$55 =	+0	115/215	
cover the date this response is filed for which the requisite fee				(2mos)	\$380/\$190 =		116/216	
is attached				(3mos)	\$870/\$435 =		117/217	
				(4mos)	\$1360/\$680 =		118/218	
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee					\$	+0	139	
22. If "assignment" box 5 is X'd, add recording fee.					\$	+0	581	
23. Petition Fee for					\$	+0		
24.				TOTAL FEE ENCLOSED =			\$445	

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

1100 New York Avenue, N.W.
Ninth Floor East Tower
Washington, D.C. 20005-3918
Tel: (202) 861-3000
Atty/Sec: ASH/maf

Pillsbury Madison & Sutro LLP
Intellectual Property Group
By: Atty: Ann S. Hobbs
Sig: 

Reg. No. 36830
Fax: (202) 822-0944
Tel: (202) 861-3063

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

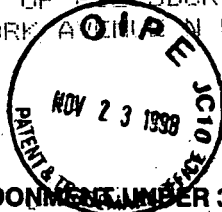
334838

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY/DOCKET NO./TITLE
08/882,499	06/25/97	HUANG	

NM21/1006

NOT ASSIGNED

CUSHMAN DARBY & CUSHMAN
INTELLECTUAL PROPERTY GROUP OF BILLSBURY
MADISON & SUTRO 1100 NEW YORK AVE N W
NINTH FLOOR EAST TOWER
WASHINGTON DC 20005-3918



DATE MAILED:

RECEIVED
DEC 10 1998
GROUP 10

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)
(Filing Date Granted)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11-13-97.

- ☒ No reply was received.
- ☐ The reply received on _____ was untimely.
- ☐ The reply received on _____ was improper. The reply did not include:
- ☒ 1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.
 - ☐ 2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - ☐ 3. The full amount of the basic filing fee under 37 CFR 1.16 (a), (f), (g), (k).
(Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).
 - ☐ 4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.
- ☐ The letter of Express Abandonment filed on _____ is acknowledged; however, the application is abandoned for failure to timely or properly reply to the Notice as indicated above.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
HUANG et al.

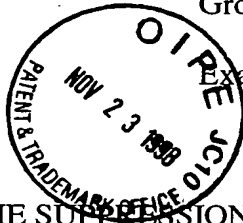
Group Art Unit: Not Assigned

Application No.: 08/882,499

Examiner: Not Assigned

Filed: June 25, 1997

For: COMPOUNDS FOR THE SUPPRESSION . . .



* * * * *

November 23, 1998

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Applicants hereby request withdrawal of the Notice of Abandonment issued October 6, 1998 in the above-referenced application.

The Notice of Abandonment indicated that that the Patent Office had mailed a Notice to File Missing Parts on November 13, 1997. However, applicants' attorneys have not received the Notice.

From the attached Declaration by Margaret Jackson and copies of the computer docket record of this application attached to the Jackson Declaration, it is clear that a Notice to File Missing Parts dated November 13, 1997 was not received in the offices of Pillsbury Madison & Sutro L.L.P..

Applicants were not aware of the alleged Notice to File Missing Parts until receiving the Notice of Abandonment.

Attached is an executed Rule 63 Declaration, along with a copy of the application as filed on June 25, 1997, filing fee and surcharge for late filing.

In the circumstances, it is believed that no additional fees are required in connection

HUANG et al. - Appln. No. 08/882,499

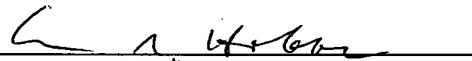
with this submission; however, should the Office deem otherwise, the Commissioner is hereby authorized to charge our Deposit Account No. 03-3975, Order No. 41060/234838 for any required fee related to the filing.

Applicants hereby request that the Notice of Abandonment be withdrawn and prosecution of this application be resumed by forwarding the application to an Examiner for action on the merits.

Respectfully submitted,

PILLSBURY MADISON & SUTRO LLP

By



Ann S. Hobbs, Ph.D.

Registration No. 36,830

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Fax No.: (202) 822-0944

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